



# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या वाली जाती है जिससे कि यह अलग संकलन  
को कम से रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

## LOK SABHA

The following Bills were introduced in Lok Sabha on 6th May, 1988:—

BILL NO. 41 OF 1988

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1988.

Short title  
and com-  
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 170 of the Constitution, in clause (2), in the proviso to Explanation, for the words and figures "1971 census", the words and figures "1981 census" shall be substituted.

Amend-  
ment of  
article 170.

### STATEMENT OF OBJECTS AND REASONS

Goa has become a full-fledged State with effect from 30th May, 1987. The present strength of the Legislative Assembly of the State of Goa consists of 28 elected members and three nominated members and the same is referred to as the Provisional Legislative Assembly under the Goa, Daman and Diu Reorganisation Act, 1987.

Section 17 of the said Act provides for the delimitation of the Assembly constituencies and, while doing so, it requires that it should be done "having regard to provisions of the Constitution". The relevant constitutional provision is as under:—

"Provided that the reference in this Explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to 1971 census".

This being the case and if it is construed that the words "having regard" implies that it is absolutely necessary to resort to the figures of 1971 census even in case of the delimitation of Assembly seats of a newly created State then the Election Commission will have to resort to 1971 census figures. When the delimitation with respect to the Assembly constituencies of the newly created State of Goa will be done, the census figures that will be used for the purpose will be so many years old. The situation will arise increase of all the recently formed States.

The Bill, therefore, seeks to provide that the delimitation of Constituencies will be made according to 1981 census instead of 1971 census as at present.

NEW DELHI;

SHANTARAM NAIK

March 17, 1988

## BILL No. 44 OF 1988

*A Bill further to amend the Sugar-cane Act, 1934.*

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Sugar-cane (Amendment) Act, 1988.

Short title.

15 of 1934. 2. In the Sugar-cane Act, 1934 (hereinafter referred to as the principal Act), in section 3, after sub-section (3), the following provisos shall be inserted, namely:—

Amend-  
ment  
of sec-  
tion 3.

“Provided that any factory, which has not cleared the dues payable, with or without interest, for the purchase of sugar-cane in the preceding season, to a grower or to a person licensed by the State Government to act as a purchasing agent, shall not be entitled for a controlled area till such time the entire dues are cleared:

Provided further that such grower or purchasing agent, who has not been paid in full for the sugar-cane sold to a factory in the preceding season, may, notwithstanding anything contained in sub-section (3), sell his produce to any other factory outside the controlled area on the same price as fixed by the State Government on mutually agreed terms.”.

3. In section 5 of the principal Act, the following proviso shall be added at the end, namely:—

Amend-  
ment of  
section 5.

“Provided that any factory purchasing sugar-cane from a grower or a person licensed by the State Government to act as a purchasing agent outside the controlled area as provided in the second proviso to section 3, shall not be punishable for contravention of any prohibition imposed under sub-section (3) of section 3.”.

### STATEMENT OF OBJECTS AND REASONS

The Sugar-cane Act was enacted in 1934, when sugar factories were being set up in the country mostly in Uttar Pradesh.

The idea of the said Act was to help establishment of factories by ensuring them of the supply of raw materials on the one hand and on the other hand to ensure the fair price to the farmers|growers.

The idea behind section 3 of the Act was to provide continuous supply of sugar-cane to every factory by reserving a certain area for them and to discourage the purchase of sugar-cane from growers in such area by factories in other areas.

But, with the passage of time, this provision has become an instrument in the hands of erring factories. With the connivance of officers, they have started delaying the payments to farmers|growers and there have been instances when growers were not paid the dues for 5 to 7 years. The farmers|growers are bound by the existing law to sell the sugar-cane to the same factories. The situation is so bad for farmers that they get payment, if at all, in full, much after selling the finished goods by the factories. Since raw-material is coming on easy terms the factories of Uttar Pradesh did not modernise the machinery in order to equip themselves to compete with the new factories coming up elsewhere. Therefore, this provision has become counter-productive in many ways.

Therefore, a time has come to change this provision to save the farmers from further exploitation and force the factories to modernise.

Hence this Bill.

NEW DELHI;

ANAND SINGH

March 17, 1988.

**BILL No. 40 OF 1988*****A Bill further to amend the Constitution of India.***

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1988.

Short title  
and com-  
mencement.

(2) It shall be deemed to have come into force on the 1st day of January, 1985.

2. After article 275 of the Constitution, the following article shall be inserted, namely:—

"275A. Notwithstanding anything contained to the contrary in this Constitution, every State, formed under article 3, out of a Union territory, shall receive grant-in-aid and financial assistance to the extent it would have received as a Union territory, for a period of five years from the date of formation of such State, and the said amount shall be treated as if it were a State revenue:

Insertion  
of new  
article  
275A.

Grants to  
newly  
formed  
States.

Provided that the period of five years may be extended upto eight years under special circumstances."

### STATEMENT OF OBJECTS AND REASONS

In recent years Union territories like Goa, Arunachal Pradesh and Mizoram have been granted statehood. One of the main reasons why the people of these Union territories demanded statehood for their respective territories was that administrative powers available, under the Government of Union Territories Act, 1963, to the Government of the Union territories, were inadequate and most of the administrative and financial matters required the prior approval of the Central Government. They had Legislative Assemblies but no Bill could be introduced therein without the draft thereof being approved by the Central Government. Decisions of the Council of Ministers could be reversed by the Administrators and so on.

The Central Government, in the right spirit and in accordance with the wishes of the people of these Union territories, granted these Union territories the status of a State.

Granting of this status would mean that these States will have to sustain themselves economically. This may not be fully possible. For a newly born State, besides the problem of having to lose financial support of the Central Government, has to shoulder the burden of new ambitious projects and to meet the new aspirations of the people.

Hence, it has been proposed to make it obligatory for the Central Government, under the provisions of the Constitution to support newly formed States financially for a period of five years.

This provision is distinct from the present practice of the Government to declare certain States as Special Category States under executive order for the purpose of special assistance.

The Bill seeks to achieve this objective.

NEW DELHI;

SHANTARAM NAIK

March 18, 1988.

### FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that financial assistance to the States formed out of Union territories shall be provided for a period of five years from the date of formation of such States, to the extent they would have received such assistance as Union territories.

The Bill, if enacted, therefore, would involve expenditure from the Consolidated Fund of India though exact expenditure to be involved is difficult to be assessed at this stage. However, an annual recurring expenditure of about rupees two hundred crores is likely to be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

## BILL No. 42 OF 1988

*A Bill to provide for abolition of begging and for matters connected therewith or incidental thereto.*

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

Short  
title,  
extent  
and  
com-  
mence-  
ment.

Definition

Abolition  
of  
begging.

Punish-  
ment for  
forcing  
others  
into  
begging.

1. (1) This Act may be called the Abolition of Begging Act, 1988.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires, “begging” shall have the same meaning as assigned to it in clause (a) of sub-section (4), section 363A of the Indian Penal Code.

45 of 1860.

3. Begging by any person in any manner is hereby abolished.

4. Any person who forces another person into begging shall be punishable with imprisonment which shall not be less than five years.

Establishment of rescue homes for rehabilitation of beggars.

Power to make rules.

Report to be laid in Parliament.

5. Any person found begging shall be taken into custody by the police and sent to the nearest rescue home, to be established in each District by the Union Government or the State Government, as the case may be, wherein such person shall be provided with facilities for rehabilitation.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment, shall be without prejudice to the validity of anything previously done under that rule.

7. The Central Government shall lay a report in both Houses of Parliament every year on the progress of the implementation of the provisions of this Act.

### STATEMENT OF OBJECTS AND REASONS

In spite of various measures taken by the Government and various social organisations to help the downtrodden and handicapped, begging has not stopped in the country. The number of beggars has been increasing in big cities everyday. Sometimes, young boys and girls are forced by their parents to take to begging. Even after 40 years of independence, the problem of begging is increasing day by day. It has, therefore, become necessary that legislation should be brought forward to abolish begging and to provide for rehabilitation of beggars.

Hence this Bill.

NEW DELHI;

March 21, 1988.

BASAVARAJESWARI

### FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for establishment of rescue homes in each district by the Union Government or the State Government, as the case may be, wherein beggars will be provided with facilities for their rehabilitation. The Central Government would have to incur expenditure from the Consolidated Fund of India for establishment of rescue homes in respect of Union territories. As far as the establishment of rescue homes in the States are concerned, the State Governments will incur expenditure from their respective Consolidated Funds. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. An annual recurring expenditure of about rupees one crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two crores is also likely to be involved.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 51 OF 1988

*A Bill to provide for ceiling on wages of a family and for matters connected therewith.*

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Ceiling on Wages Act, 1988.

Short title,  
extent  
and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. This Act shall apply to employees of the Central Government, public sector undertakings or establishments or organisations under the control of the Central Government or Union territory administrations or private sector.

Application  
of the  
Act.

3. In this Act, unless the context otherwise requires, 'family' means husband, wife and minor children.

Definition.

4. (1) Notwithstanding anything contained in any other law for the time being in force, the minimum and maximum wages of an employee or of his family shall be rupees one thousand and rupees five thousand per month, respectively.

Ceiling  
on  
wages.

(2) If the wages of family of an employee exceed rupees five thousand per month, the amount in excess of rupees five thousand shall be deposited by the head of the family in a nationalised bank which shall be refunded to the employee on his attaining the age of superannuation or on cessation of his employment or to his legal heir in case of death of the employee.

Compulsory savings.

5. (1) It shall be the duty of every employer to deduct every month twenty per cent. of wages, payable to an employee, as compulsory savings before the wages for that month are paid to him.

(2) The amount so collected shall be deposited in a nationalised bank and shall be returned to the employee with interest accrued thereon on his attaining the age of superannuation or on cessation of employment or to his legal heir in case the employee dies while in service or for such other purposes as may be prescribed.

Filing of returns by employees.

6. Every employee shall submit a return every year with his employer, containing particulars about the wages earned by the members of his or her family.

Punishment.

7. (1) If any employer contravenes the provisions of sections 4 and 5, he shall be punishable with fine which may extend to rupees ten thousand.

(2) If any employee files a false return with his employer, he shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to rupees ten thousand or with both.

Power to make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

### STATEMENT OF OBJECTS AND REASONS

In India there are people whose income is less than rupees one thousand per month and those whose income is unlimited, with the result that there is no economic or social equality. Some people cannot afford to meet the expenses of their families and some have a problem as to how to spend the money which they have far in excess of their needs. This disparity in income has created frustration amongst the people of the country. Therefore, it is necessary to have a legislation wherein minimum and maximum income of a family is fixed.

Accordingly, it has been proposed in the Bill, in the first instance, to provide for a ceiling on wages of family of an employee of the Central Government and its undertakings and of private sector. A provision is also made for compulsory savings by such employees.

NEW DELHI;

S. B. SIDNAL

March 24, 1988.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

## BILL NO. 52 OF 1988

A Bill to prevent the formation or functioning of political parties to promote any religion or religious community or denomination or section thereof.

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Formation of Political Parties for Promotion of Religious Interests Act, 1988.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,  
extent  
and com-  
mence-  
ment.

Defini-  
tions.

2. In this Act, unless the context otherwise requires,—

(a) “political party” shall have the same meaning as assigned to it in the Election Symbols (Reservation and Allotment) Order, 1968; and

(b) "religious community" means a body of individuals professing or practising any religion.

3. No political party shall be formed with the primary objective of promoting exclusively any religion, religious community or denomination or section thereof.

*Explanation.*—The primary object referred to this section may be ascertained from the Constitution of the concerned political party, its general activities or the pattern of its membership.

4. Any political party formed in contravention of the provisions of section 3 shall be de-recognised.

Political parties with religious interest not to be formed.

De-recognition of political parties.

5. No member of a political party, which is de-recognised under section 4, shall be eligible to contest any election to either House of Parliament or to the State Legislatures for a period of five years from the date of de-recognition of such political party.

Members of de-recognised political parties not eligible to contest elections.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions as aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### STATEMENT OF OBJECTS AND REASONS

The operation of our political system during the past forty years has brought to the surface certain undesirable trends which are detrimental to the unity and integrity of the country. The founding fathers of the Republic had thought that political parties based on political ideologies would emerge and give the necessary stability to the polity. But taking advantage of the freedom enshrined in the Constitution, along-side ideology-based political parties, sectarian parties with religious appeal too have been formed. These parties have contributed greatly to the disunity and social tension among our people. The country has seen too much of blood-shed, hatred and bitterness. It is high time that we proclaim a halt to this. The first step in removing this distortion in our political system and restoring its health is to ban the formation and functioning of political parties based on religion.

Hence this Bill.

NEW DELHI;

March 24, 1988.

P. J. KURIEN

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules to carry out the provisions of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

**BILL No. 49 of 1988**

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1988

Short title  
and com-  
mencement.

(2) It shall come into force at once.

2. In article 214 of the Constitution the following proviso shall be added at the end, namely —

Amend-  
ment of  
article  
214.

**"Provided that the Central Government shall, within a period of five years from the commencement of the Constitution (Amendment) Act 1988, set up additional Benches of High Courts in each State keeping in view the area and population of a State and the cases pending in the High Court."**

### STATEMENT OF OBJECTS AND REASONS

The Constitution of India and various statutes protect the citizen's fundamental and other rights and also the right to seek legal redress.

Considering the vastness of the country, the poverty of its people, the high cost of litigation and enormity of cases pending disposal before various courts including High Courts, it is the need of the hour to consider measures to provide easy, quick, cheap and timely justice to the people.

This is all the more important with regard to the people living in far-flung rural areas who are away from the capital city of a State where High Courts are normally located. Such a situation obviously denies the poor man to seek legal redress, particularly in the High Court, which involves considerable expense and inconvenience. It is time consuming also which means that justice delayed is justice denied.

In order to mitigate the sufferings of the poor masses on this account, the Bill seeks setting up of more Benches of a High Court at easily accessible places. Such a step would also break the monopoly of expensive advocates and also help young and dynamic advocates to find a place in the legal profession and also to provide comparatively cheaper professional advice to the poor litigants.

Hence this Bill.

NEW DELHI;

BALASAHEB VIKHE PATIL

*March 29, 1988.*

### FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the Central Government shall, within a period of five years from the commencement of this Act, set up additional Benches of High Courts in every State keeping in view the area and population of a State and the number of cases pending disposal in a High Court. In some States, only one or two additional Benches may have to be established. In some larger States, many benches, more than two, may have to be established. In that case, more Judges have to be appointed. If so, the Central Government would have to incur expenditure from the Consolidated Fund of India in respect of payment of pensions to such Judges. An annual recurring expenditure of about rupees fifteen Lakhs is likely to be incurred from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

BILL No. 50 of 1988

*A Bill further to amend the Central Excises and Salt Act, 1944*

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Excises and Salt (Amendment) Act, 1988.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf.

1 of 1944.

2. After section 11C of the Central Excises and Salt Act, 1944 (hereinafter referred to as the principal Act), the following sections shall be inserted, namely:—

**"11D. Notwithstanding any decree or order or direction of any Court, Tribunal or any other authority, if any duty or amount recovered or purported to have been recovered under this Act becomes refundable by the Government, the same shall be refunded by the Government to the consumers and where it is not reasonably practicable to identify such consumers, it shall be deposited in a fund, to be known as Consumer Protection Fund constituted by the Central Government, which shall be utilised for the benefit of the consumers in such manner as may be prescribed."**

Short title and commencement.

Insertion of new sections 11D, 11E, and 11F.

Excise duty not to be refunded to manufacturers but to consumers.

Manufacturers to refund the excise duty to consumers or to deposit in the Consumer Protection Fund.

Confiscation of property in case of failure by manufacturer to refund the excise duty to consumers.

Amend-  
ment of  
section  
37.

11E. Whenever any amount collected by the manufacturer as excise duty from his buyers is declared as not payable to the Government as excise duty or whenever a manufacturer is granted any exemption or rebate by the Government, the same shall be refunded to the consumers of the goods in question and, if it is not reasonably practicable to locate the consumers, it shall be deposited by the manufacturers in the Fund referred to in section 11D.

11F. If any manufacturer fails to refund the excise duty to the consumers, or deposit the amount in the Fund as provided under section 11E, his property shall be confiscated which shall be returned to him only after he has either refunded the amount to the consumers or deposited the same in the Fund.”.

3. In section 37 of the principal Act, in sub-section (2), after clause (xxii), the following clause shall be inserted, namely:—

“(xxiii) provide for setting up of a Consumer Protection Fund, its regulation and administration thereof and the mode of application of the amounts deposited therein.”.

### STATEMENT OF OBJECTS AND REASONS

The Central Excise Duty is a tax of an indirect nature. While the duty to pay the Excise Duty is placed on the manufacturers, the actual incidence thereof is on manufacture with the result that the tax is carried with the commodity and in turn borne ultimately by the consumers. The manufacturers pass on the burden of duty on the consumer either by specific addition of the duty to the price of the goods or by including the duty-element in the price thereof.

It often happens that the manufacturers question the validity of collection of certain excise duty and ask for refund from the Central Excise authorities or a Court or a Tribunal. In the event of the authority or the Court or the Tribunal concerned holding the payment of duty to be illegal, the manufacturer would obtain the refund thereof.

The manufacturers retain the refund amount to themselves even though in all probability they might have recovered the same from the buyers and the burden thereof might have been borne by the ultimate consumers. The Gujarat High Court and some other High Courts have held that the manufacturers are not entitled to refund in such cases. However, there is no uniformity among the various High Courts on this point.

While the Supreme Court has in certain cases relating to certain indirect levies has thought it fit to deny refund to the assessees, there is no final pronouncement in respect of the Central excise duties. In some cases, the Supreme Court has granted refund of Central excise duty when the recovery of the duty in question was found to be illegal.

The refund of excise duty to the manufacturer who is supposed to have collected the same from the consumers enables him to obtain unjust enrichment at the cost of public exchequer as also the consumers. It is, therefore, necessary to eradicate this mischief and provide that the benefit of refund in such cases should be given to the consumers. In some cases, it may be possible to locate the consumer who has borne the burden of excise duty. However, in many cases on account of numerosity of consumers and for similar other reasons. It is not possible to locate the consumers. It is, therefore, necessary to provide for both the contingencies.

In the matter of exemptions granted by the Government under the Central Excises and Salt Act, 1944, it has been found that by and large the benefit of the exemptions is not passed on by the manufacturers to the consumers and instead it is retained by the manufacturers. This is not the purpose of grant of exemptions. Similar is the case with rebates and remissions.

It is, therefore, necessary to provide that the benefit of refunds of excise duty or benefit of any exemption, rebate or remission of excise duty is given to the consumers either individually when it is possible

to locate them or as a class, when it is not possible to locate the individual concerned by setting up a fund out of such amount for protecting their interests.

The Bill seeks to achieve these objects.

HAROOBHAI MEHTA

NEW DELHI;  
February 11, 1988.

—  
PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND  
274 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 4/3/88-CX.I dated 30th March, 1988 from Shri Ajit Panja, Minister of State in the Department of Revenue in the Ministry of Finance to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the Central Excises and Salt (Amendment) Bill, 1988 (*Insertion of new sections 11D, 11E and 11F, etc.*) by Shri Haroobhai Mehta, M.P., recommends under clauses (1) and (3) of article 117 and clause (1) of article 274 of the Constitution the introduction and consideration of the Bill in Lok Sabha

#### FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the Central Government shall constitute a Consumer Protection Fund, which shall consist of the moneys to be refunded by the Government to the manufacturers and the moneys to be deposited by the manufacturers in case they find it reasonably not practicable to locate the consumers for passing on the benefits of refund, exemption or rebates received by them from the Government to the consumers.

However, the Central Government may incur some expenditure in setting up of the fund and maintaining it. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. An annual recurring expenditure of about rupees one lakh is likely to be involved.

A non-recurring expenditure of about rupees two lakhs is also likely to be involved.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill provides that the Consumer Protection Fund shall be utilised in the interests of consumers in such manner as may be prescribed.

Clause 3 seeks to empower the Government to make rules for setting up of a Consumer Protection Fund, regulation and administration thereof and the mode of application of the amounts deposited therein.

These are matters of details necessary for the effective implementation of the provisions of the Bill and it is difficult to provide these details in the Bill itself. The delegation of legislative powers is, therefore, of a normal character.

## BILL No. 47 OF 1988

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1988.

Short title  
and com-  
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 105 of the Constitution, in clause (3), for the words "from time to time be defined by Parliament by law," the words and figures "be defined by Parliament by law by the Thirty-first day of December, 1991." shall be substituted.

Amend-  
ment of  
article  
105.

### STATEMENT OF OBJECTS AND REASONS

The framers of our Constitution left it to Parliament to enact law defining powers, privileges and immunities of Parliament, its members and committees. But no law has been enacted so far. In the absence of any law it is difficult for journalists, common man and even for members of Parliament to know precisely the scope of parliamentary privileges. It is high time that we apply our mind to the same. It should be the endeavour of all the political parties, people in general and the journalists and writers in particular to bring out the law of parliamentary privileges from the impasse of uncertainty. The Bill seeks to provide for a time limit within which the parliamentary privileges have to be codified.

Hence this Bill.

NEW DELHI

April 5, 1988.

SHANTARAM NAIK.

**BILL No. 48 OF 1988**

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1988.

Short title  
and com-  
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 350A of the Constitution, for the words "education to children belonging to linguistic minority groups", the words "education to all the children" shall be substituted.

Amend-  
ment of  
article  
350A.

### STATEMENT OF OBJECTS AND REASONS

Under the New Education Policy, imparting of education to children in their respective mother tongue is an educational commitment which every State Government has to adopt and implement. States can no longer think of providing facilities of education at primary stage only for Children of linguistic minorities. Our commitments under the policy are much more than the ones stipulated under article 350A.

Therefore, although the New Education Policy as also the assurances given by the Government amply testify to the Government's determination to provide facilities for all the children in the country to take their primary education through mother tongue, yet, there is a need to amend article 350A of the Constitution to fortify the assurance given by the Government.

Hence this Bill.

NEW DELHI;

April 5, 1988.

SHANTARAM NAIK.

### FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the State shall provide facilities for instruction in mother-tongue at the primary stage of education to all the children. For this purpose, more teachers may have to be appointed and teachers already teaching may have to be imparted training. In respect of schools in States, the respective State Governments will incur expenditure. However, in respect of schools in Union territories and other schools run by the Central Government, the Central Government will have to incur expenditure from the Consolidated Fund of India. An annual recurring expenditure of about rupees ten crores is likely to be involved.

Non-recurring expenditure of about rupees three crores is also likely to be involved.

## BILL NO. 54 OF 1988

*A Bill to provide protection to farmers for loss of crops suffered in natural calamities and for matters connected therewith.*

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Crop Insurance Act, 1988.

Short title.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "crop" means and includes wheat, rice, jawar, bajra, maize, soya bean, sun flower, ground nut, potato, sugar-cane and all types of horticulture.

(b) "Scheme" means the Crop Insurance Scheme framed under section 3.

3. (1) The Central Government shall frame a scheme to be known as "Crop Insurance Scheme" for compulsory insurance of crops.

Crop Insurance Scheme.

(2) The Scheme shall provide for the following, namely:—

(a) the terms and conditions of crop insurance;

(b) the extent to which the insurance loss may be covered; and

(c) the rate of premium to be paid by the farmers.

Central Government to administer the scheme.

4. (1) The Central Government shall administer the scheme.

(2) The Central Government shall assess the loss to crops suffered in any area due to any natural calamity.

Premium.

5. (1) The premium for crop insurance shall be paid to the Central Government by the farmers either individually or through the cooperative societies and where farmers are not able to pay the premium, they shall be given loans by nationalised and Co-operative banks for the purpose:

Provided that the small and marginal farmers of areas affected by natural calamities or of desert areas shall be exempted from paying the premium.

(2) The loan given to farmers for payment of insurance premium shall be repayable by farmers with simple interest, at a rate to be fixed by the bank, in twelve equal monthly instalments.

(3) The premium so received shall be deposited in a Fund, to be known as 'Crop Insurance Fund', to be established by the Central Government.

Payment of crop insurance.

6. (1) It shall be the responsibility of the Central Government to pay the insurance amount, out of the Crop Insurance Fund, for the loss of crops due to any natural calamity.

(2) The unit of settlement of insurance claims shall be a village or only.

Loans to farmers in areas affected by natural calamities.

7. (1) Every farmer in an area affected by natural calamities like flood, drought, cyclone, etc., shall be given such amount, as may be determined by the Central Government, as long term loan by nationalised and co-operative banks, for carrying out the agricultural operations.

(2) The loan shall be repayable in easy instalments over such period as may be prescribed.

Power to make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

### STATEMENT OF OBJECTS AND REASONS

It is a known fact that despite industrial and technological development in India since her independence, it is essentially still an agricultural country. In view of this, agriculture is and shall continue to be the determining yard-stick of its economic growth at any given point of time. The king-pin of this area around whom the entire agricultural activities revolve is the farmer. No doubt the Government is aware of the interests of the farmers and concern about their protection, much still needs to be done to make them self-reliant and secure against natural calamities like drought, flood and pests to guard them against such calamities.

The Crop Insurance Scheme presently in vogue in some States does not attract all farmers. There are also shortcomings in this Scheme. It being a Group Insurance Scheme, lacks precision as far as the settlement of claims is concerned. The achievements of this Scheme have been far from impressive and satisfactory in so-far-as the interests of all the farmers are concerned.

The proposed Bill is, among other things, intended to provide loans to all farmers. It is also intended to benefit the real victims of natural calamities.

Hence this Bill.

NEW DELHI;

BALASAHEB VIKHE PATIL.

April 5, 1968.

### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall frame a Crop Insurance Scheme for compulsory insurance of crops. Clause 4 provides that the Central Government shall administer the scheme. Clause 5 provides that Central Government shall establish an insurance fund consisting of premium received from farmers. Clause 6 provides that it shall be the responsibility of the Central Government to pay the insurance amount, out of the insurance fund, for the loss of crops due to any natural calamity. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees one hundred and fifty crores from the Consolidated Fund of India.

It is also likely to involve a non-recurring expenditure of about rupees fifty lakhs.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

SUBHASH C KASHYAP

*Secretary-General.*